

CITY OF HANNIBAL
OFFICIAL COUNCIL PROCEEDINGS

Tuesday, April 16, 2019
Council Chambers
7:00 p.m.

ROLL CALL

Present: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch – 7

Absent: - 0 –

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order.

INVOCATION

The invocation was given at this time by Council Member Van Hoose.

PLEDGE OF ALLEGIANCE

Mayor Hark then requested Council Member Veach to lead the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

A motion was then made by Council Member Veach to approve the agenda, as presented and posted. The motion was seconded by Council Member Godert.

Motion carried.

APPROVAL OF MINUTES
Regularly Scheduled Council Meeting – April 2, 2019

A motion was made by Council Member Veach to approve the minutes from the regularly scheduled Council meeting held April 2, 2019. The motion was seconded by Council Member Godert.

Motion carried.

APPROVAL OF PAYROLL AND CLAIMS
First Half – April, 2019

A motion was made by Council Member Veach to approve the payroll and claims for the first half of March, 2019. The motion was seconded by Council Member Welch.

Motion carried.

JACOB GREVING – HANNIBAL SCHOOL DISTRICT
Re: Request, Street Closures – HHS Commencement Ceremony
Thursday, May 16, 2019 – 6:45 p.m. – 8:30 p.m.

Jacob Greving, representing the Hannibal School District, came before Council requesting street closures for the Hannibal High School Commencement ceremony. He requested McMasters Avenue to Edgewood Street and Brookside to be closed for the ceremony being held Thursday, May 16th from 6:45 p.m. – 8:30 p.m.

Mr. Greving also requested barricades to be placed beginning at the edge of McMasters Avenue along Edgewood and Greenway to help block traffic during the ceremony.

A motion was made by Mayor Pro Tem Dobson to approve the requested street closures and the use of barricades for the HHS Commencement ceremony on Thursday May 16th. The motion was seconded by Council Member Veach.

City Clerk Zerbonia advised all insurance requirements have been met and are on file.

Motion carried.

DANA RUHL – 12416 NEW LONDON GRAVEL ROAD
Re: Request, Medical Marijuana Zoning Setback – 1,000 Feet from Schools

Dana Ruhl, resident of 12416 New London Gravel Road, then addressed Council, advising he comes this evening about the 2nd reading for the medical marijuana facilities and zoning. At the Planning & Zoning Commission meeting it was his understanding the setback was set for 450 feet from schools. He has since done a lot of research on this particular issue. He is not here to go through anything about wanting or not wanting the facilities in Missouri. In the spirit of the safe schools acts he would like to modify the setback of 1,000 feet. He does realize it is medical and security is in place to go along with it and it should operate appropriately within the City. However, the Safe Schools acts states that if illegal drugs

are sold within 1,000 feet of a school there is more of a penalty, and is suggesting it as a guide. Stated within the Safe Schools Act, the maximum feet allowed for a setback is 1,000 feet. He would like to let the young people of the community know that even though it is medical marijuana, there are some people who have some concerns. It is his understanding in a neighboring City, not too far from us, that modified the setback of 1,000 feet, which has not been an issue, legal wise. The only way it would become an issue is if something were to be done “through the back door”. He is requesting the setback to be enforced on all public, private and parochial schools from the proposed 450 feet, not 1,000. He does not feel this set back would be an undo burden to place in the ordinance.

Mayor Pro Tem Dobson advised that the DPW checked and all schools are presently in the multiple family zones and the dispensary facility would not be permitted in those areas. He advised he asked Edie Price, DPW Management Assistant, to check to see if each school is in a family zoning district, in which she advised they are all in a family zoning district. Ruhl would still set forth the recommended change of 1,000 feet.

Council Member Cogdal advised that Council was given information that 1,000 feet is equivalent to about three (3) City blocks.

ANDY DORIAN – DIRECTOR, PARKS & RECREATION

Re: Bid Award Approval, Annual Street Materials

Re: Bid Award Approval, 4 Foot Tree Grates

OCCOutdoors - \$228.16 (each)

Re: Huckleberry Park Tennis Courts Resurfacing - Contract

Helpers Lawn & Landscape, LLC DBA Sport Court St. Louis - \$33,700

(Resolution No. 2202-19 to follow)

Re: Sodalis Nature Preserve – First Amendment to Deed of Conservation Easement

Iowa Natural Heritage Foundation

(Resolution No. 2203-19, to follow)

RYAN NEISEN – DEPUTY FIRE CHIEF

Re: Hazmat Trailer Gas Monitoring Devices (4) – Grant Application & Subsequent Documents

Missouri Department of Public Safety – State Homeland Security Program - \$11,650.32

(Resolution No. 2204-19, to follow)

MIKE BENJAMIN – FIRE CHIEF

Re: Code Amendment, Chapter 12, Section 12-23

- *Section 12-23 - Qualifications of members*
- *Section 12-34. - Working hours*
(Bill No. 19-006, to follow)

Fire Chief Mike Benjamin came before COuncil relating to an ordinance change, he has been working with the City Attorney and City Clerk and some of the changes he is looking to change is the residency in the City code. He feels as the chief of the department this should be more of a policy, not a wuaifation of the job. They do try to take local candidates first, however, their numbers are really down over the last several years. There have a very stringent testing process and have high expectations for their applicants and new hires.

Council Member Welch indicated he does have the information and it does not seem unreasonable. Benjamin advised that not everyone can do the job they do and it can be very challenging to find qualified candidates.

City Attorney Lemon indicated this brings the fire department up to what the police

JOEY BURNHAM – BUILDING INSPECTOR
Re: Old Baptist Cemetery Mowing – Contract Agreement
Simply Cut Lawns - \$3,600
(Resolution No. 2206-19, to follow)

Eddie Price on behalf of Joey Burnham.

EDIE PRICE – DPW MANAGEMENT ASSISTANT
Re: Five-Year Capital Improvement Plan – 2020-2024
(Resolution No. 2205-19, to follow)

Price’s next item is the Capital Improvement budget, for all the City’s capital improvements. This was presented during the Planning and Zoning Commission meeting which allowed all the departments to go before the Commission and present their “wish” list. There were no concerns from the Planning and Zoning Commission. Mayor Hark advised that the items outlined in the plan is a plan, the budget must be in place before any of the items can actually be budgeted for and in no way holds the City obligated to proceed.

Re: Code Amendment, Chapter 32
Medical Marijuana Facility Uses
(Bill No. 19-007, to follow)

The last item, of course is the code amendment to Chapter 32 that previously went through the Planning and Zoning Commission with a unanimous vote. They are requesting for a 400 foot setback and Mayor Pro Tem Dobson is correct that they are all in a family zoning district, except the high school. The high school, which is zoned commercial across the street, would be the only one outside of the guidelines. Price stated that none of the facilities can go into a residential or historical zoned district.

City Attorney Lemons advised that the original ordinance, approved by the Planning and Zoning Commission, had not been presented to him for approval prior to. He had some big concerns relating to door to door, leaving things open to interpretation. Mark Twain School, for example, has two front doors. He stated he amended it to state, property line to property line as there could be some issues over which is considered.

Council Member Godert asked if a dual set back could be established, such as 1,000 from a church, but not from a school. City Attorney Lemons advise he could do that, should Council approve. He could make that revision and present for a second reading. Council Member Godert questioned if daycares were included in which Council Member Cogdal advised that daycares were included. She advised that former City Manager LaGarce did this before he left and he went with some that were in the middle. he went with what the general population and popularity was.

Council Member Cogdal questioned if the ordinance is changed to reflect a setback of 1,000 feet, would St. John's and Holy Family Schools be considered a school, in which City Attorney Lemon advised yes. Council Member Veach indicated if the City changed the setback limit beyond the 400 feet, this would be potentially eliminating business development. Council Member Godert feels it should be accommodating such as 1,000 from a church that would most likely account for the proximity of a school. Maybe not 1,000 feet but he suggests maybe 600 or 700 feet. Council Member Cogdal then questioned if they would be buying retail space on McMaster's Avenue, and she feels the odds would be slim. She feels possibly within the proximity of the schools, but maybe not others.

Mayor Pro Tem Dobson then questioned if everyone is aware of what one is and he indicated that he is not even allowed to go in with a note from a dr. Corey Mehaffy, Northeast Missouri Economic Development Director, from the audience indicated a caregiver cannot even access the facilities. He also mentioned on the property line versus the door to door, it might be more than 1,000 feet from the high school but the property line, it might be closer than 400 feet to the school. Council Member Godert advised if you go to the property of a strip mall, you are indeed done.

Lemon advised that anytime you start getting things subject to interpretation, you run the risk of being challenged or sued. He feels that being Asia was being proposed for 400 feet, property line would suffice. If the concern is you don't want the activity going on with the children, take a look at where the playground is next to Mark Twain School. He doesn't feel you want to do it in such a fashion it prohibits people from doing business as. Property line can be clearly defined and not questionable. He doesn't know the answer to the question, as he did not attend the public meeting planning and zoning had, just knows that when he reviewed the ordinance after the fact the door to door caused him big corners. He requests council pick some language that can be clearly defined, such as a property line.

Council Member Godert expressed his concerns on the precedent this is going to set when it goes from medical to other, we will have trouble backpedaling to change those types as compared to medical facilities.

Lemon advised that from the property line he feels you can accomplish what is needed, however. He doesn't feel we should increase the distance if it's done from the property line to property line while not increasing the distance. Great River Clinci, which he is not sure if it is commercial, looking at the "other" door of Mark Twain it would be less than 400 feet and you would have to determine which door is the front door. If he is having to ask the question as a lawyer, then it will be questioned.

Council Member WELch advised that what he is hearing is that we are squabbling over the length. A motion was made by WELch to table the issue, seconded by Veach. Lemon asked if he would be given some direction on how it needs to be changed. If it's tabled without some direction it will come back next month being the same. Cogdal feels the zoning permit errs the way they are, property line to property line are fine the way they are.

Corey MsHaffey advised applicants for this are due for this in June and it is time sensitive and there are people that need to make decisions on the issue.

Council member Welch then made a motion to withdraw his motion to table. Veach withdrew his motion.

Lemon then Claire field the 400 feet from the boundary line, and it could also be discussed further after the vote.

RESOLUTION NO. 2202-19

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HANNIBAL AND HELPERS LAWN & LANDSCAPE, LLC DBA SPORT COURT ST. LOUIS IN THE AMOUNT OF \$33,700 FOR THE CLEANING AND RESURFACING OF THE FOUR TENNIS/PICKLEBALL COURTS IN HUCKLEBERRY PARK

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Resolution No. 2202-19 and call the roll for adoption. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2202-19 duly approved and adopted on this date.

RESOLUTION NO. 2203-19

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE DEED OF CONSERVATION EASEMENT BETWEEN THE CITY OF HANNIBAL AND IOWA NATURAL HERITAGE FOUNDATION PARTIES TO A DEED OF CONSERVATION EASMENT DATED AND FILED ON JANUARY 13, 2016 IN THE OFFICE OF THE MARION COUNTY, MISSOURI RECORDER AS DOCUMENT NUMBER 2016R000108 CONCERNING CERTAIN REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT A THERETO (“PROPERTY”)

A motion was made by Council Member Van Hoose to have the City Clerk read Resolution No. 2203-19 and call the roll for adoption. The motion was seconded by Council Member Godert.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2203-19 duly approved and adopted on this date.

RESOLUTION NO. 2204-19

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE GRANT APPLICATION PROCESS AND SUBSEQUENT ACCEPTANCE DOCUMENTS FOR THE MISSOURI DEPARTMENT OF PUBLIC SAFETY THROUGH THE STATE HOMELAND SECURITY PROGRAM FOR AN AWARD OF \$11,650.32

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2204-19 and call the roll for adoption. The motion was seconded by Mayor Pro Tem Dobson.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2204-19 duly approved and adopted on this date.

RESOLUTION NO. 2205-19

A RESOLUTION OF THE CITY OF HANNIBAL, MISSOURI, APPROVING AND ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM 2020-2024 FOR THE CITY OF HANNIBAL, MISSOURI

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2205-19 and call the roll for adoption. The motion was seconded by Mayor Pro Tem Dobson.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2205-19 duly approved and adopted on this date.

RESOLUTION NO. 2206-19

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF HANNIBAL AND SIMPLY

**CUT LAWNS FOR 2019-2020 OLD BAPTIST CEMETERY MOWING,
IN THE AMOUNT OF \$3,600.00**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2206-19 and call the roll for adoption. The motion was seconded by Council Member Godert.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2206-19 duly approved and adopted on this date.

BILL NO. 19-005

**AN ORDINANCE AUTHORIZING THE
ISSUANCE OF WATERWORKS REVENUE
BONDS, SERIES 2019, OF THE CITY OF
HANNIBAL, MISSOURI; PRESCRIBING THE
FORM AND DETAILS OF THE BONDS AND
THE COVENANTS AND AGREEMENTS TO
PROVIDE FOR THE PAYMENT AND
SECURITY THEREOF; AND AUTHORIZING
CERTAIN ACTIONS AND DOCUMENTS AND
PRESCRIBING OTHER MATTERS RELATING
THERE TO**

Second & Final Reading

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Bill No. 19-005 and call the roll for adoption. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Bill No. 19-005 duly approved and adopted on this date.

BILL NO. 19-006

AN ORDINANCE OF THE CITY OF HANNIBAL AMENDING CHAPTER 12, SECTION 12-23 OF THE ORDINANCES OF REVOKING THE EXISTING SECTION AND ENACTING A NEW SECTION 12-23 IN IT'S PLACE

First Reading

A motion was made by Council Member Veach to give Bill No 19-006 a first reading. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

BILL NO. 19-007

AN ORDINANCE OF THE CITY OF HANNIBAL, AMENDING CHAPTER 32 OF THE HANNIBAL MUNICIPAL CODE RELATIVE TO PASSAGE OF STATEWIDE AMENDMENT 2 AND INCORPORATING VARIOUS MEDICAL MARIJUANA FACILITY USES INTO APPROPRIATE ZONING DISTRICTS OF THE CITY

First Reading

A motion was made by Mayor Pro Tem Dobson to give Bill No 19-007 a first reading. The motion was seconded by Council Member Welch.

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610.021 (1) (2) (3) & (12)

- *Potential Litigation*
- *Real Estate*
- *Personnel*
- *Contract Negotiations*

Mayor Hark then entertained a motion to enter into closed session in accordance with RSMo. 610.021, sub-paragraph (1), potential litigation, sub paragraph (2), real estate, sub paragraph (3), personnel, and sub paragraph (4), contract negotiations, admitting himself, City Council Members, City Attorney James Lemon, City Clerk Angel Zerbonia, Police Chief Lyndell Davis, Pace Group Representative Anthony Michelic, Board of Public Works General Manager Heath Hall and Parks & Recreation Director Andy Dorian. A motion was made by Mayor Pro Tem Dobson to enter into closed session. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Council Members Veach, Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose and Welch –
7

No: - 0 -

Absent: - 0 -

Motion carried.

OPEN SESSION

A motion was made by Mayor Pro Tem Dobson to return to open session. The motion was seconded by Council Member Van Hoose.

Motion carried.

ADJOURNMENT

A motion was then made by Mayor Pro Tem Dobson to adjourn the meeting. The motion was seconded by Council Member Van Hoose.

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk